

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

In re: * CHAPTER 7
*
SCOTT WILLIAM MULLER and * CASE NO. 13-55871-BEM
TERESA MARFIL MULLER *
* JUDGE BARBARA ELLIS-MONRO
Debtors. *

MOTION TO SETTLE AND COMPROMISE

Edwin K. Palmer, Trustee, through his undersigned attorney, moves to settle and compromise claims of this Estate and respectfully shows as follows:

1.

Edwin K. Palmer, Movant, is the duly appointed and acting Trustee herein.

2.

Scott William and Teresa Marfil Muller, ("Debtors") filed for Chapter 7 relief on March 13, 2013.

3.

Debtors' Schedule A reflects real property located at 1228 Pemshire Court, Marietta, Georgia, 30062, ("Property") with a current market value of \$320,000.00. Debtors' Schedule D lists one lienholder, Wells Fargo Home Mortgage, holding a mortgage lien in the approximate amount of \$298,133.00. Debtors' claimed exemption under Schedule C is \$21,867.00.

4.

Following investigation and consultation with Tony Money, the real estate agent employed pursuant to Court Order entered June 25, 2013, it was determined that the true value of the home is higher than indicated in Schedule A, and that there is equity in the Property.

5.

Debtors have offered to pay \$19,500.00 to the Trustee to settle the Estate's claim to the Property, with no exemption to be claimed as to these monies. The settlement would be payable at the rate of \$3,900.00 per month, beginning on the 1st day of December, 2013, continuing on a

like date thereafter for five (5) months or until paid in full. If there is a default in any monthly payment, the Trustee has the right to take immediate steps to market and sell the property with the full cooperation of the Debtors being required. Any monies already paid would inure to the benefit of the Estate and would not be returned to Debtors. In addition, in the event of a default, Debtors agree to waive their right to any exemption on the Property, including the right to the total homestead exemption claimed on the property as set out in Schedule C and as noted in Paragraph 3, above.

6.

Considering the facts as set out in Paragraphs 3 and 4 above, considering the costs associated with the marketing and sale of the Property, inclusive of real estate commissions of seven percent (7%), Debtors' claimed exemption of \$21,867.00 and closing costs, Movant believes that the proposed settlement is reasonable and fair and that it would be in the best interest of the Estate and of all parties in interest to accept the proposed settlement.

7.

Movant represents that the settlement, as proposed, will be sufficient to pay all administrative costs and will provide a meaningful distribution to holders of allowed claims.

8.

Subject to the Court's approval, Movant has agreed to accept the above-noted settlement and compromise in full satisfaction of the Estate's claim to the Property.

WHEREFORE, Movant prays that the Court will:

- a) Authorize the Trustee to enter into the settlement as proposed;
- b) Provide the Trustee and the Debtor with authority to execute such documents as may be required to facilitate the settlement, and
- c) Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 23nd day of October, 2013.

/s/ Edwin K. Palmer

Edwin K. Palmer, P.C.
P.O. Box 1284
Decatur, GA 30031
(404) 479-4450

Edwin K. Palmer
GA Bar No.: 560100

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ATLANTA GEORGIA

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NOTICE OF HEARING

PLEASE TAKE NOTICE that Edwin K. Palmer, Trustee in the above-noted bankruptcy case, has filed a **Motion to Settle and Compromise** ("Motion") with the Court.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion in Courtroom 1402, United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia, at 10:00 a.m. on Wednesday, December 4, 2013.

Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in these pleadings or if you want the Court to consider your views, then you and/or your attorney must attend the Hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the Hearing. The address of the Clerk's Office is Clerk,

U.S. Bankruptcy Court, Suite 1340, 75 Spring Street, Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

Dated: October 23, 2013.

/s/Edwin K. Palmer
Edwin K. Palmer
Attorney for the Chapter 7 Trustee

Edwin K. Palmer, P.C.
P.O. Box 1284
Decatur, GA 30031
(404) 479-4450

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served all interested parties in the foregoing matter with a copy of the **Motion to Settle and Compromise and Notice of Hearing**, by depositing in the United States mail a copy of same in a properly addressed envelope with sufficient postage affixed thereon, addressed as shown on the attached Distribution List.

This 23rd day of October, 2013.

/s/ Edwin K. Palmer
Edwin K. Palmer
Attorney for the Chapter 7 Trustee

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